

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/15/2022

VICTORIANO TAVAREZ, *individually, and on behalf
of all others similarly situated,*

Plaintiff,

-v-

VM INNOVATIONS, INC.,

Defendant.

21-cv-10033 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On February 1, 2022, the defendant in this action filed a motion to dismiss the complaint for lack of jurisdiction. Dkt. No. 14. The Court held an Initial Pretrial Conference on February 8, 2022, at which the plaintiff indicated its intention to amend its complaint. The plaintiff reiterated that intention in a letter filed in response to the motion to dismiss on February 15, 2022 and stated that it intended “to file an amended complaint within 21 days of the filing of Defendant’s motion.” Dkt. No. 22. Plaintiff has not yet filed an amended complaint, and the deadline to do so set forth in the Court’s scheduling order has now passed. Dkt. No. 19.

It is hereby ORDERED that, no later than March 18, 2022, Plaintiff shall file either (1) an amended complaint; (2) a brief in opposition to the pending motion to dismiss, or (3) a letter stating that they will rely on their February 15, 2022, letter as their opposition papers to the pending motion to dismiss. In the absence of any such filing by March 18, 2022, the Court will consider the letter filed at Dkt. No. 22 to be plaintiff’s response to defendant’s motion to dismiss.

SO ORDERED.

Dated: March 15, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge